APPENDIX "A."

(Title of District Court and Cause)

ORDER ON MOTIONS OF DEFENDANTS FOR JUDGMENT ON THE PLEADINGS.

This cause having heretofore come before the court for hearing on the motions of the defendants, filed May 4, 1950, and May 5, 1950, for judgment on the pleadings or, in the alternative, for a summary judgment; and the motions having been argued and submitted for decision; and it appearing to the court that the complaints of plaintiffs and interveners, as amended, assert claims for damage suffered by reason of loss of employment resulting from an alleged conspiracy in violation of the anti-trust laws, and the Court of Appeals for this Circuit has held that such claims do not arise from injury to "business or property" within the meaning of Sec. 4 of the Clayton Act, 15 U. S. C. Sec. 15 (See Schatte v. International Alliance, 182 F. 2d 158, 167 (9th Cir. 1950), 183 F. 2d 685 (9th Cir. 1950), cert. [164] denied U. S. Sup. Ct., Oct. 9, 1950, rehearing denied, Nov. 13, 1950);

It Is Now Ordered that the motions of defendants for judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure be and are hereby granted.

It Is Further Ordered that attorneys for defendants prepare and submit form of judgment pursuant to local rule 7 within five days.

It Is Further Ordered that the order heretofore entered setting this case for trial at 10 a.m. on December 12, 1950, be and is hereby vacated.

It Is Further Ordered that the Clerk this day serve this order by United States mail on the attorneys for the parties appearing in this action.

November 21, 1950.

/s/ WM. C. MATHES,
United States District Judge.

(Endorsed): Filed November 22, 1950. [165]

APPENDIX "B."

15 U. S. C. A., Section 1:

"Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal: Provided, That nothing contained in sections 1-7 of this title shall render illegal, contracts or agreements prescribing minimum prices for the resale of a commodity which bears, or the label or container of which bears, the trade mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, when contracts or agreements of that description are lawful as applied to intrastate transactions, under any statute, law, or public policy now or hereafter in effect in any State, Territory, or the District of Columbia in which such resale is to be made, or to which the commodity is to be transported for such resale, and the making of such contracts or agreements shall not be an unfair method of competition under section 45 of this title: Provided, further, That the preceding proviso shall not make lawful any contract or agreement, providing for the establishment or maintenance of minimum resale prices on any commodity herein involved, between manufacturers, or between producers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other. Every person who shall make any contract

or engage in any combination or conspiracy declared by sections 1-7 of this title to be illegal shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court. July 2, 1890, c. 647, Sec. 1, 26 Stat. 209; Aug. 17, 1937, c. 690, Title VIII, 60 Stat. 693."

APPENDIX "C."

15 U. S. C. A., Section 15:

"Any person who shall be injured in his business or property by reason of anything forbidden in the anti-trust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee. Oct. 15, 1914, c. 323, sec. 4, 38 Stat. 731."